



On February 24, 2014, a Report and Recommendation was issued by the United States Magistrate Judge recommending that plaintiff's Motion for Summary Judgment be denied, defendants' Motion for Summary Judgment be granted, in part, and denied, in part, and plaintiff's claim of deliberate indifference to a serious medical need against defendant FRESCAS be dismissed with prejudice and all claims against DEFENDANT BOLAND be dismissed with prejudice.

Plaintiff filed his Objections on March 5, 2014. Plaintiff argues that a small open cut could lead to serious consequences. As a rule, a layperson will simply wash a small cut with soap and water and, sometimes, place a band-aid over it. It was not unreasonable of BOLAND to conclude plaintiff's cut was such a minor medical need that it did not require medical treatment. Plaintiff further argues he has presented his opinion that the bleeding from his small open cut on his elbow or arm was what led to his loss of consciousness; however, whether his small open cut produced such an enormous blood loss or not is not an issue since even plaintiff does not argue defendant BOLAND was present or knew of it when plaintiff lost consciousness or knew it was from blood loss. Lastly, plaintiff says he believes his cut would have quit hurting a lot sooner if he had received medical treatment. Plaintiff acknowledges he has not presented any evidence from anyone with medical training to support his opinion that his blood loss from his small open cut was such that it resulted in unconsciousness or that plaintiff's wound required medical treatment. Plaintiff's failure to provide evidence in this respect is fatal to his claim against defendant BOLAND.

The Court has made an independent examination of the records in this case and has examined plaintiff's Objections and the Magistrate Judge's Report and Recommendation. The

Court is of the opinion that plaintiff's Objections should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, OVERRULES plaintiff's Objections and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

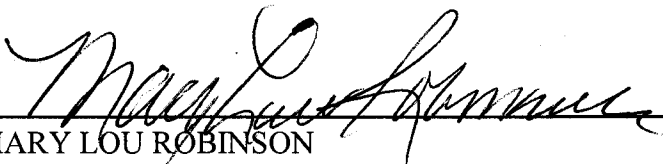
IT IS THEREFORE ORDERED that plaintiff JACKSON's Motion for Summary Judgement is DENIED, defendants BOLAND and FRESCAS' Motion for Summary Judgment is GRANTED, IN PART, AND DENIED, IN PART, plaintiff's claim of deliberate indifference to a serious medical need against defendant FRESCAS is DISMISSED WITH PREJUDICE, and all claims against DEFENDANT BOLAND are DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 11<sup>th</sup> day of March, 2014.

  
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MARY LOU ROBINSON  
United States District Judge